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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,946	09/26/2000	Tetsushi Yoshida	00691/LH	5773

7590

03/25/2003

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,946

Applicant(s)

YOSHIDA ET AL.

Examiner

Toan Ton

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

(A1) the specifics of the device being comprised of a diffusion means arranged on the front surface of said reflection polarizing plate for diffusing the light reflected from the reflection polarizing plate (claims 2, 19-20); *or* (A2) the specifics of the device being comprised of a diffusion layer arranged between said liquid crystal element and the reflection polarizing plate arranged on the front side of the liquid crystal element and/or between said liquid crystal element and a rear member arranged on the rear side of the liquid crystal element (claims 3-4, 21); *or* (A3) the specifics of the device being comprised of a diffusion means arranged between the liquid crystal element and the rear member for diffusing the transmitted light (claims 32-34)

and

(B1) the specifics of the device being comprised of the rear member comprising : at least one second reflection polarizing plate (claims 5-7, 22-23, 28, 48); *or* (B2) the specifics of the device being comprised of the rear member comprising : a second reflection polarizing plate that reflects the light one of the two polarized components, which are perpendicular to each other, of the incident light and transmits the light of the other polarized component, and light absorption means arranged on the rear side of the second reflection polarizing plate (claims 8-10, 24-27, 46-47); *or* (B3) the specifics of the device being comprised of the rear member comprising : an absorption polarizing plate absorbing the light of one of the two polarized components, which are perpendicular to each other, of the incident light and transmitting the light of the other polarized component, and a reflection plate arranged on the rear side of the absorption polarizing

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plate (claims 11, 29-30); *or* (B4) the specifics of the device being comprised of the rear member comprising : a second reflection polarizing plate arranged on the rear side of the liquid crystal element, a third reflection polarizing plate arranged on the rear side of said second reflection polarizing plate, a diffusion layer arranged between said second and third reflection polarizing plates and diffusing the transmitted light, and light absorbing means arranged on the rear side of said third reflection polarizing plate (claim 31); *or* (B5) the specifics of the device being comprised of the rear member comprising : a member having diffusion reflection properties (claim 35);

and

(C1) the specifics of the device being comprised of the optical element having a transparent film transmitting the incident light from the front side to be incident on the first reflection polarizing plate and subjecting the light reflected from said reflection polarizing plate to the inner surface reflection so as to permit the light to be incident again on said reflection polarizing plate (claim 13) ; *or* (C2) the specifics of the device being comprised of the optical element having a retardation plate imparting a phase difference between the normal light and the abnormal light of the transmitted light so as to change the polarized state of the transmitted light (claims 14-16).

and

(D1) the specifics of the device being comprised of a surface treatment is applied to the front surface of said first reflection polarizing plate to permit the light of one polarized component to be incident on the optical element arranged on the front side of the reflection polarizing plate at an angle of incidence at which the light is subjected to the inner surface

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reflection by the optical element (claim 17); *or* (D2) the specifics of the device being comprised of a surface treatment is applied to the front surface of said first reflection polarizing plate to permit the light of one polarized component to be diffused and to permit the light of the other polarized component to be transmitted without being diffused (claim 18).

and

(E1) the specifics of the device being comprised of the liquid crystal molecules are twist-aligned with a twisting angle of about 100° (claims 36-37); *or* (E2) the specifics of the device being comprised of the liquid crystal molecules are twist-aligned with a twisting angle of a twisting angle of 180° to 270° (claims 38-45).
4 y

2. If species (B2) is elected, a further election of the following patentably distinct species of the claimed invention is required :

(B2a) the specifics of the device being comprised of the light absorbing means having an absorption polarizing plate transmitting the light of one of the polarized components, which are perpendicular to each other, of the incident light and absorbing the light of the other polarized component (claims 26, 47); *or* (B2b) the specifics of the device being comprised of the light absorbing means having a colored film absorbing the light having a predetermined wavelength band (claim 27).

3. If species (E2) is elected, a further election of the following patentably distinct species of the claimed invention is required :

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(E2a) the specifics of the device being comprised of a transparent film arranged on the front side of said first reflection polarizing plate for subjecting the light reflected from the first reflection polarizing film to the inner surface reflection so as to be incident again on said reflection polarizing plate (claim 39); *or* (E2b) the specifics of the device being comprised of the transparent film exhibits optical characteristics of changing the polarized state of the transmitted light (claims 40-43)

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 12 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

March 24, 2003


TOANTON
PRIMARY EXAMINER